Texas State Board of Pharmacy Laws and Rules Update Webinar FAQs and Troubleshooting Tips

- We will be using the *Chat* box to deliver general information.
 If you have questions, please use the *Q&A* box to submit.
- You may send all follow-up questions or handout requests to
- You do not need a microphone.
 - Just log in to watch, listen, and participate in some polls.
- We will be doing periodic sound checks before the presentation begins.

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 - Please note: This course is accepted by the Texas State Board of Pharmacy for both general of the law requirement. However, it is NOT ACPE approved and will not appear in your CPE In



TEXAS STATE BOARD OF PHARMACY

Test Poll Question

This is just a quick test to get you familiar with the polling feature. Here's your question:

Today's webinar program meets the Texasspecific law CE requirement.

- True
- False



TEXAS STATE BOARD OF PHARMACY

Texas Pharmacy Law Update

Allison Vordenbaumen Benz, R.Ph., M.S. **Executive Director/Secretary**

March 20, 2018



Goals

- Identify recent changes in Texas pharmacy
- Review Legislation passed by the 2017 Texas Legislature that affects the practice of pharmacy or the Board of Pharmacy; and
- Discuss the Prescription Monitoring Program at the Board of Pharmacy.



EXAS STATE BOARD OF PHARMACY

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EXAS STATE BOARD OF PHARMACY

Poll Question #1

- Are you a:
 - Pharmacist
 - Pharmacy technician
 - Student
 - Other



Recently Adopted Rules



Board Rule 283.3

- HB 2561 amended the Texas Pharmacy Act to eliminate the requirement that a person be of good moral character to obtain a license or registration.
- Amendment to 283.3 removes the reference to good moral character.



Board Rule 295.8

- € Effective: March 8, 2018
- For pharmacist license renewals received after January 1, 2019
- Amends the continuing education requirements for pharmacists to include one hour of CE related to opioid abuse.



Board Rule 297.3

- HB 2561 amends the Pharmacy Act to specify that to renew a pharmacy technician registration after a registration has been expired for:



TEXAS STATE BOARD OF PHARMACY

Board Rule 297.3 (cont.)

- 90 days or <, the technician must pay a renewal fee that is equal to <u>1½ times</u> the renewal fee;
- > than 90 days, but < 1 year, the technician must pay a renewal fee that is <u>2 times</u> the renewal fee;
- 1 year or >, the technician may not renew.
- Amendment to rule 297.3 implements the new fee requirements.



TEXAS STATE BOARD OF PHARMACY

Board Rule 291.121

- Implements telepharmacy provisions of HB 2561
- Provider pharmacy be allowed to provide pharmacy services at no more than 2 remote sites;
- Provider pharmacy may provide services at no more than 2 remote sites;



Board Rule 291.121 (cont.)

- A pharmacist must <u>make at least</u> <u>monthly on-site visits to a remote</u> <u>dispensing site</u>;
- A perpetual inventory of controlled substances must be maintained at the remote site and must be <u>reconciled</u> <u>monthly</u> by a pharmacist from the provider pharmacy;



TEXAS STATE BOARD OF PHARMACY

Board Rule 291.121 (cont.)

- A pharmacist shall be physically present when providing services requiring the physical presence of the pharmacist, including immunizations;
- A remote site shall be staffed by <u>an on-site pharmacy technician under the continuous supervision of a pharmacist;</u>



TEXAS STATE BOARD OF PHARMACY

Board Rule 291.121 (cont.)

 All pharmacy technicians at a remote site must be counted when establishing the pharmacist/pharmacy technician ratio of the provider pharmacy, which, may not exceed 3 pharmacy technicians for each pharmacist;



Board Rule 291.121 (cont.)

- Before working at a remote site, a pharmacy technician must have:
 - Worked at least 1-year at a retail pharmacy during the 3-years preceding the date the pharmacy tech begins working at the remote site; and
 - Have completed a Board-approved training <u>program</u> on the proper use of a telepharmacy system;



TEXAS STATE BOARD OF PHARMACY

Board Rule 291.121 (cont.)

 A pharmacy technician <u>may not perform</u> <u>extemporaneous sterile or nonsterile</u> <u>compounding</u> but may prepare commercially available meds for dispensing, including the reconstitution of powder antibiotics; and



TEXAS STATE BOARD OF PHARMACY

Board Rule 291.121 (cont.)

- A telepharmacy system at a remote dispensing site <u>may not:</u>
 - Dispense CII controlled substances.
 - Be located within 22 miles, by road, of a Class A pharmacy.
 - Except if a Class A pharmacy is established within 22 miles of a remote dispensing site that is currently operating, the remote dispensing site may continue to operate at that location.



Board Rule 291.121 (cont.)

The Act specified that the Board by rule shall require and develop a process for a remote site to apply for a Class A pharmacy license IF the average number of prescriptions dispensed each day the remote dispensing site is open for business is more than 125, as calculated each calendar year.



TEXAS STATE BOARD OF PHARMACY

Poll Question #2

- A provider pharmacy may provide telepharmacy services at no more than 2 remote sites.
 - True
 - False



TEXAS STATE BOARD OF PHARMACY

Class A Pharmacy Library Requirements

- Effective Date: September 6, 2017
- Library requirements were amended to
 - Add a new reference if the pharmacy dispenses veterinary prescriptions, the pharmacy must have a general reference text on veterinary drugs.



Pharmacy Related Legislation Passed by the 2017 Texas Legislature



The "Sunset" Bill (HB 2561) Effective Date: 9/1/2017



HB 2561 by Rep. Senfronia Thompson/Sen. Van Taylor

- **Effective Date: 9/1/2017**
- Amends the Pharmacy Act to:
 - Continue TSBP until 8/31/2029;
 - Remove the requirement that a person be of good moral character to obtain a license or registration;



- Amends the Pharmacy Act to:
 - Allow the Board to <u>refuse to renew</u> a license to practice pharmacy <u>for a license holder</u> who is in violation of a Board order;
 - Specifies that TSBP must adopt rules relating to the CE required for pharmacy technicians.



TEXAS STATE BOARD OF PHARMACY

HB 2561 by Rep. Senfronia Thompson/Sen. Van Taylor (cont.)

- Amends the Pharmacy Act to specify that pharmacy technician CE requirements must include the:
 - Number of hours of CE;
 - Methods for meeting the CE requirements;
 - Approval of CE programs;
 - Reporting completion of CE;
 - Records of completion of CE; and
 - Board audits to ensure compliance.



TEXAS STATE BOARD OF PHARMACY

HB 2561 by Rep. Senfronia Thompson/Sen. Van Taylor (cont.)

- Amends the Pharmacy Act to specify that to renew a pharmacy technician registration, the registrant must, before the expiration date of the registration:
 - Pay the renewal fee; and
 - Comply with the continuing education requirements.



- Amends the Pharmacy Act to specify that to renew a pharmacy technician registration after a registration has been expired for:
 - 90 days or <, the technician must pay a renewal fee that is equal to 1½ times the renewal fee;
 - > than 90 days, but < 1 year, the technician must pay a renewal fee that is <u>2 times</u> the renewal fee;
 - 1 year or >, the technician may not renew.



TEXAS STATE BOARD OF PHARMACY

HB 2561 by Rep. Senfronia Thompson/Sen. Van Taylor (cont.)

Adds a new section 551.006 to the Pharmacy Act titled <u>"Exclusive</u> <u>Authority"</u> that specifies that <u>a</u> <u>pharmacist has the exclusive authority</u> <u>to determine whether or not to</u> <u>dispense a drug.</u>



TEXAS STATE BOARD OF PHARMACY

HB 2561 by Rep. Senfronia Thompson/Sen. Van Taylor (cont.)

- Adds a new section 551.008 to the Pharmacy Act titled: <u>"Prohibition on</u> <u>Rule Violating Sincerely Held Religious</u> <u>Belief"</u> that specifies:
 - All rules or policies adopted by TSBP may not violate the Religious Freedom provisions of the Texas Civil Practice and Remedies Code; and



 A person may assert a violation of the religious freedom provisions as an affirmative defense in an administrative hearing or as a claim or defense in a judicial proceeding.



HB 2561 by Rep. Senfronia Thompson/Sen. Van Taylor (cont.)

- Specifies that Board must adopt rules regarding the use of a telepharmacy system including the locations eligible to be licensed as remote dispensing sites, which must include:
 - Locations in medically underserved areas;
 - Areas with a medically underserved population; and
 - Health professional shortage areas.



TEXAS STATE BOARD OF PHARMACY

HB 2561 by Rep. Senfronia Thompson/Sen. Van Taylor (cont.)

- The Board must adopt rules specifying licensing and operating requirements, including a requirement that a:
 - Remote dispensing site license identify the provider pharmacy that will provide pharmacy services at the remote dispensing site;
 - Provider pharmacy be allowed to provide phcy services at no more than 2 remote sites;



- The Board must adopt rules that require:
 - A RPh employed by a provider phcy <u>make at least monthly on-site visits to a remote dispensing site</u> or more frequent visits if specified by Board rule;
 - The perpetual inventory of controlled substances at the remote site be <u>reconciled</u> <u>monthly</u> by a RPh employed by the provider pharmacy;



TEXAS STATE BOARD OF PHARMACY

HB 2561 by Rep. Senfronia Thompson/Sen. Van Taylor (cont.)

- The Board must adopt rules that require:
 - A RPh employed by a provider pharmacy be physically present when providing services requiring the physical presence of the pharmacist, including immunizations;
 - A remote site be staffed by <u>an on-site</u> <u>pharmacy tech under the continuous</u> <u>supervision of a RPh;</u>



TEXAS STATE BOARD OF PHARMACY

HB 2561 by Rep. Senfronia Thompson/Sen. Van Taylor (cont.)

- The Board must adopt rules that require:
 - All pharmacy technicians at a remote site be counted when establishing the pharmacist/pharmacy technician ratio of the provider phcy, which, may not exceed 3 pharmacy technicians for each pharmacist;



- The Board must adopt rules that require:
 - Before working at a remote site, a pharmacy technician must have:
 - Worked at least 1-year at a retail phcy during the 3-years preceding the date the pharmacy tech begins working at the remote site; and
 - Have completed a Board-approved training program on the proper use of a telepharmacy system;



TEXAS STATE BOARD OF PHARMACY

HB 2561 by Rep. Senfronia Thompson/Sen. Van Taylor (cont.)

- The Board must adopt rules that specify that:
 - A pharmacy tech <u>may not perform</u> <u>extemporaneous sterile or nonsterile</u> <u>compounding</u> but may prepare commercially available meds for dispensing, including the reconstitution of powder antibiotics; and
 - Any additional training or practice experience for pharmacy techs at a remote site.



TEXAS STATE BOARD OF PHARMACY

HB 2561 by Rep. Senfronia Thompson/Sen. Van Taylor (cont.)

- The bill specifies that a telepharmacy system at a remote dispensing site may not:
 - Dispense CII controlled substances.
 - Be located within 22 miles, by road, of a Class A pharmacy.
 - Except if a Class A pharmacy is established within 22 miles of a remote dispensing site that is currently operating, the remote dispensing site may continue to operate at that location.



The Act specified that the Board by rule shall require and develop a process for a remote site to apply for a Class A phcy license IF the average number of Rxs dispensed each day the remote dispensing site is open for business is more than 125, as calculated each calendar year.



TEXAS STATE BOARD OF PHARMACY

HB 2561 by Rep. Senfronia Thompson/Sen. Van Taylor (cont.)

The bill adds a new Sec. 481.0764 to the Texas Controlled Substances Act (TCSA) titled "Reports of Wholesale Distributors" to require wholesalers to report to TSBP the sale of a controlled substance made by the distributor to a person in this state.



TEXAS STATE BOARD OF PHARMACY

HB 2561 by Rep. Senfronia Thompson/Sen. Van Taylor

The bill amends the TCSA to require pharmacies to send all required information for Schedule II – V prescriptions to the PMP not later than the next business day after the date the prescription is completely filled.



The bill amends the TCSA to require each regulatory agency that issues a license, to a prescriber to promulgate specific guidelines for prescribers regulated by that agency for the responsible prescribing of opioids, benzodiazepines, barbiturates, or carisoprodol.



TEXAS STATE BOARD OF PHARMACY

HB 2561 by Rep. Senfronia Thompson/Sen. Van Taylor (cont.)

- The bill amends the TCSA to specify that after 9/1/2019, a pharmacist or prescriber authorized access the PMP, other than a veterinarian, shall access the PMP for the patient before prescribing or dispensing:
 - Opioids;
 - Benzodiazepines;
 - Barbiturates; or
 - Carisoprodol.



Data from the PMP- FY2017						
Controlled Substance Dispensed	# Rxs Dispensed	% of the 4 Controlled Substances Dispensed	% of ALL Controlled Substances Dispensed			
Barbiturates	192,974	<1%	<1%			
Benzodiazepines	8,308,209	31%	21%			
Carisoprodol	528,543	2%	1%			
Opioids	17,984,222	66%	45%			
Total of Above Controlled Substances Dispensed	27,013,858		<u>68%</u>			
Total of Other Controlled Substance Dispensed	12,405,658		32%			
Grand Total of All Controlled Substance Dispensed	39,419,516					
BARBITURATES, BENZODIAZEPINES, CARSIPRODOL AND OPIOIDS REPRESENT <u>68% OF ALL CONTROLLED SUBSTANCES DISPENSED</u> DURING THIS PERIOD						

- The bill amends the TCSA to specify that a:
 - A dispenser or prescriber may access information of a patient before dispensing or prescribing any controlled substance; and
 - A <u>veterinarian</u> may access the info for Rxs dispensed <u>only for the animals of an owner</u> and may not consider the personal Rx history of the owner.



TEXAS STATE BOARD OF PHARMACY

Pharmacists Busted for Prying into Prince's Medical Records

Three pharmacists were caught trying to access the deceased star's records just days after his death.





Las Vegas Strip shooter prescribed anti-anxiety drug in June

The bill amends the TCSA to specify that if a prescriber or dispenser violates the law related to the access of the PMP, this action is grounds for disciplinary action by the regulatory agency that issued a license to the person who committed the violation.



TEXAS STATE BOARD OF PHARMACY

HB 2561 by Rep. Senfronia Thompson/Sen. Van Taylor (cont.)

- The new chapter specifies requirements for an individual to donate unused Rx drugs (dangerous drugs only) to a participating provider (health-care facility or pharmacy).



TEXAS STATE BOARD OF PHARMACY

HB 2561 by Rep. Senfronia Thompson/Sen. Van Taylor (cont.)



The bill amends the education code to specify that:

The college shall be known as the Texas A&M University System Health Science Center Irma Lerma Rangel College of Pharmacy, and the primary building in which the school is operated shall be located in Kleberg County and must include "Irma Rangel" in its official name.



Poll Question #3

- The Texas Pharmacy Act was amended to continue the Texas State Board of Pharmacy through August 31, 2029.
 - True
 - False



TEXAS STATE BOARD OF PHARMACY

Other Pharmacy Related Bills Passed by the Texas Legislature



HB 1178 by Rep. Kuempel/Sen. Hinojosa

- Effective Date: 9/1/2017.
- Increases the penalty for stealing a controlled substance to a felony if the:
 - Building in which a controlled substance is stored is a pharmacy, clinic, hospital, or nursing facility; and
 - Person entered or remained concealed in that building with intent to commit a theft of a controlled substance.



HB 1178 by Rep. Kuempel/Sen. Hinojosa (cont.)

Amends the penal code to specify that an offense is a <u>state jail felony</u> if a controlled substance is taken, <u>regardless</u> <u>of the value of the controlled</u> <u>substance stolen.</u>



Texas Prescription Monitoring Program



PMP AWARXE

Go to the PMP Website:

texas.pmpaware.net

OR

Go to the TSBP Website:

www.pharmacy.texas.gov





Poll Question #4

The Prescription Monitoring Program can be accessed at the web address:

texas.pmpaware.net

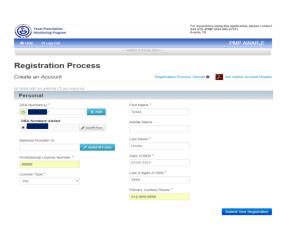
True False

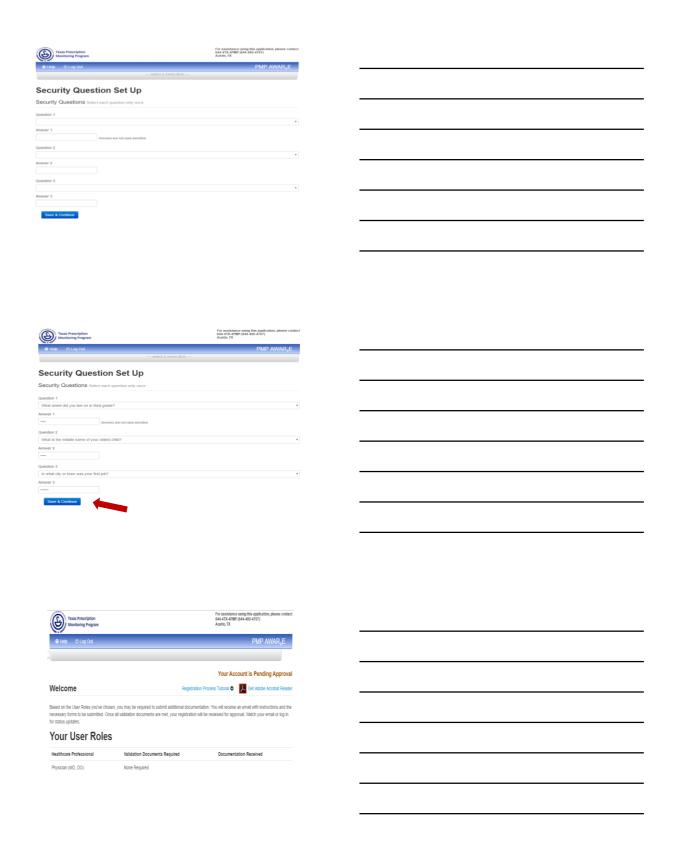


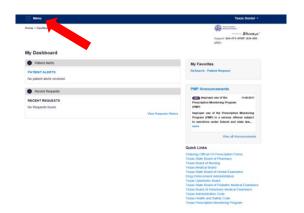


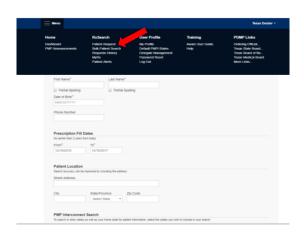


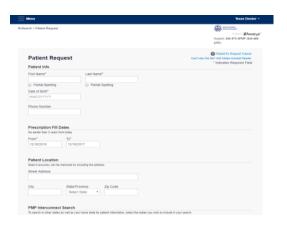


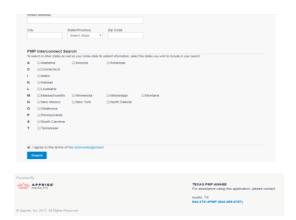


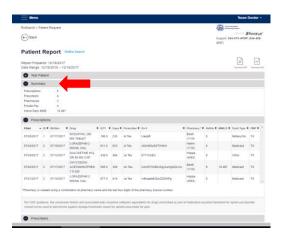


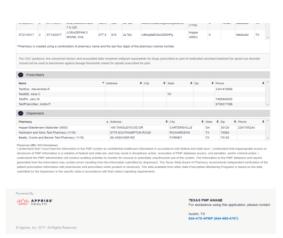












PRESCRIPTION MONITORING PROGRAM FY2017 Quarterly Reports					
	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Year-to- Date
Registered Users	43,227	5,494	4,773	5,148	58,642
Searches	800,041	982,602	1,113,526	1,279,436	4,175,605
Prescriptions Dispensed	10,123,585	10,092,111	9,856,895	9,346,925	39,419,516



Still valid prescription forms!



FIRST M LAST MD 123 SAMPLE ST AUSTIN TX 78701 Phone \$ (\$12) 555-5555	CTRUS 182420001199
Name	
Aponese	
Asic on DOB	- Day
Practitioner Stawture - Indic	ATE IF "BRAND MEDICALLY NECESSARY"
Римии	IST SKIMITURE

Texas Prescription Monitoring Program Facebook Page



www.facebook.com/TexasPMP/

The Texas PMP Facebook page will offer news and updates specific to the program.

Poll Question #5

- A registered user may only look up the prescription information for their patients.
 - True
 - False



Final Reminders

- Receiving Credit
 - Look for the attendance confirmation to be posted in your Lifelong Learning Account 5-7 days from now
 - An email notification will be sent to you when it is available
 - You will have 30 days from the date it is posted to confirm your attendance.
 - Confirm your attendance to generate your certificate, which can be accessed at any time through your Lifelong Learning Account.

Trouble accessing your Lifelong Learning Account?
Questions about your attendance?
Call the help desk:
1-800-215-0641
Select Option 1

Please note: This course is accepted by the Texas State Board of Pharmacy for both general credit and as fulfilling the law requirement. However, it is NOTACPE approved and will not appear in your CPE Monitor account.



Thank You!

Thank you for your attendance!

If you have additional compliance-related questions, please call the TSBP Compliance Line at 512-305-8070.

For questions about today's presentation, please email us at:

education coordinator @pharmacy.texas.gov

